

Message Text

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ACTION EUR-12

INFO OCT-01 IO-10 ISO-00 EURE-00 AEC-05 CIAE-00 H-01

INR-05 L-02 NSAE-00 OIC-02 OMB-01 PA-01 PM-03 PRS-01

SAJ-01 SAM-01 SP-02 SS-15 USIA-06 TRSE-00 RSC-01

NSC-05 ACDA-05 DODE-00 /080 W
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FM USMISSION USBERLIN

TO AMEMBASSY BONN PRIORITY

INFO SECSTATE WASHDC PRIORITY 0129

USMISSION GENEVA PRIORITY

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

C O N F I D E N T I A L USBERLIN 2104

E.O. 11652: GDS

TAGS: PGOV, PFOR, WB, US, UK, GW, UR, CSCE

SUBJECT: CSCE: LANGUAGE ON FOUR POWER RIGHTS

REFS: A) BONN 17872; B) GENEVA 6933

1. WE WOULD AGREE WITH BONN GROUP VIEW (REF A) THAT
BONN GROUP DISCLAIMER SENTENCE INTENDED TO COVER
QUADRIpartite RIGHTS IN PRINCIPLES DECLARATION WOULD
BE STRENGTHENED BY ADDITION OF WORDS "AND RESPONSIBILITIES"
AFTER "RIGHTS." IF SOVIETS ARE NOT AMENABLE TO BONN GROUP
SENTENCE WITH THIS CHANGE, WE WOULD THINK TEXT DEVELOPED BY
FRENCH AFTER SAUVAGNARGUES-GENSCHER DISCUSSION, WHICH IS
CLOSELY PATTERNED AFTER NOVEMBER 1972 QUADRIpartite
DECLARATION LANGUAGE, WOULD BE ACCEPTABLE.

2. HOWEVER, WE HAVE SOME DIFFICULTY ACCEPTING FRG (BLECH) ARGUMENT THAT WORD
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"CORRESPONDING" SHOULD BE DELETED FROM NEW FRENCH TEXT:

THAT WORD APPEARS INTENDED TO PROVIDE BRIDGE BETWEEN ALLIED DESIRE TO PRESERVE RIGHTS WHICH ARE ORIGINAL IN NATURE (I.E., FROM WARTIME CONQUEST OF GERMANY) AND SOVIET DESIRE TO LIMIT DISCLAIMER TO THOSE RIGHTS WHICH COME FROM TREATIES, AGREEMENTS AND OTHER ARRANGEMENTS. OUR POINT WOULD BE CLEARER WITHOUT "CORRESPONDING " BUT CORRESPONDINGLY HARDER TO SELL TO SOVIETS. AT SAME TIME, PARALLELISM WITH QUADRIPARTITE DECLARATION, WHICH MAKES IT EASIER FOR US IN FUTURE TO ARGUE THAT DISCLAIMER LANGUAGE WAS MEANT TO COVER, INTER ALIA, SITUATION IMN BERLIN AND GERMANY AS A WHOLE, WOULD NOT HAVE EFFECT FRG APPARENTLY FEARS OF REDUCING COVERAGE OF DISCLAIMER TO OR UNDULY HIGHLIGHTING GERMAN SITUATION. GERMANY, BERLIN OR "QUADRIPARTITE RIGHTS AND RESPONSIBILITIES" ARE NOWHERE EXPLICITLY MENTIONED IN NEW FRENCH TEXT. WORD "CORRESPONDING" COULD NOT, THEREFORE, BE CONSTRUED AS LIMITING EFFECT OF DISCLAIMER TO GERMAN SITUATION AND WOULD APPEAR TO PROTECT ADEQUATELY LARGER ALLIED INTEREST OF UTILIZING DISCLAIMER TO ENSURE THAT PRINCIPLES DECLARATION DOES NOT EFFECT ANY VALID TREATY OR OTHER INTERNATIONAL UNDERTAKING WHICH AFFORDS RIGHTS AND LEVIES RESPONSIBILITIES UPON A STATE PARTICIPATING IN CSCE EXERCISE. SELIGMANN

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